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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-T

MAR 28 2005

Glenn Rodgers, Chairman
Shivwits Band of the Paiute Tribe
P.O. Box 448
Santa Clara, Utah 84765

Re: RCRA Inspections on the
Paiute Indian Reservation

Dear Chairman Rodgers:

This letter is to give you notice of the Environmental Protection Agency's (EPA) upcoming inspections of the OMG Apex Inc. and Hecla Mining Company facilities located on the Paiute Indian Reservation. Staff from the Resource Conservation and Recovery Act (RCRA) program plan to conduct compliance evaluation inspections on April 12 and 13, 2005.

It is our intent to adhere to the EPA Region 8 Policy for Environmental Protection in Indian Country, which commits to protecting human health and the environment of the Shivwits Band of the Paiute Tribe and elsewhere in Indian Country. A copy of this policy paper is enclosed for your review. As stated in the policy paper, our inspector(s) agree to the following protocol:

- Notification of inspections will be provided to the Tribal Chair and the Tribal Environmental Director at least seven calendar days prior to the routine inspections;
- Entrance and exit briefings will be offered to the Tribal Chair and the Tribal Environmental Director regarding the inspection trip;
- Photographs will be limited to those for official use and only with tribal permission. We hereby request permission to take photographs of OMG Apex Inc. and Hecla Mining Company facilities to support inspection and/or compliance activities;
- Consultation with the Tribe will occur if state inspectors wish to accompany the EPA inspectors on the reservation (no state inspectors will be involved); and
- Final inspection reports will be provided to the Tribal Environmental Director upon completion.



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Please note that for environmental emergency situations, EPA may not be able to give the Tribe a seven-day advance notice. Likewise, the information noted above regarding the upcoming inspections is intended for internal purposes only, and should not be shared with the regulated community.

If you would like to discuss this matter further, please feel free to contact me directly at (303) 312-6051. If the Tribe requests an entrance and exit briefing with our inspector(s) or copies of the final reports, or if there are any questions regarding this letter, the most knowledgeable person on my staff is Eric Johnson at (303) 312-6357. I look forward to future cooperation with your environmental protection program to protect human health and the environment of the Shivwits Band of the Paiute Tribe.

Sincerely,



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc:

Lora Tom, Chairwoman, Paiute Indian Tribe of Utah
Tod J. Smith, Esq. Whiteing & Smith
Lawrence Snow, Shivwits Band of the Paiute Tribe
John Krause, BIA Western Regional Office
Mike McNally, OMG Group
Chris Gypton, Hecla Mining Company

bcc:

Eric Johnson, EPA, 8ENF-T
Amy Swanson, EPA, 8ENF-L
Donna Jackson, EPA, 8P2-TA

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*8ENF-RC
3/24/05*

*MS
8ENF-L
3.22.05
w/ corrections
and suggestions
changes*

*8ENF-RC
Kercher w/ changes
3/23/05*



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